

# CREIZMAN LLC

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*Via ECF*

March 9, 2013

The Honorable Nina Gershon  
United States District Judge  
United States District Court for the  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: *United States v. Gustave Drivas, et al.*, 10-CR-771 (S-1) (NG)**

Dear Judge Gershon:

On behalf of Yelena Galper, we request that the government provide information and produce certain documents under *Giglio*, *Brady*, and Rule 16 of the Federal Rules of Criminal Procedure. Earlier today, the government filed a letter providing *Brady* and *Giglio* information concerning Larisa Shelabodova, in pertinent part:

- “Larisa Shelabodova engaged in financial transactions, such as receiving checks and funds transfers, with other entities relevant to this case, *including* Yeryoma Medical Supply . . .”; (Gov’t 3/9/13 Ltr. at 2) (emphasis added);
- “[R]ecords [for an entity, Alfa Advertising] show that, on or about March 5, 2010, money from that account was deposited into an account belonging to JP Morgan Chase employee Elizabeth Burgos. . . . In a letter dated March 5, 2013, defense counsel Eric Creizman identified Ms. Burgos as a potential source of exculpatory information.” (*Id.*)
- “[T]he government has learned that the email address ‘larisaoleg@yahoo.com’ was listed in bank records as associated with the following people and/or companies: Yelena Galper/YB Medical Supply Inc.; Alexander Zaretser and Nata Medical Supply.” (*Id.* at 3).

*First*, the government should be ordered to disclose *all* of the entities relevant to this case with

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which Ms. Shelabodova engaged in financial transactions. It is not sufficient to list a sampling of those entities (*i.e.*, “including . . .”). The government should further be directed to ask Ms. Shelabodova to disclose to the government, and the government should then disclose to the defense, all of the names of such entities with which Ms. Shelabodova engaged in financial transactions.

*Second*, the government has been meeting with potential Chase employee witnesses in the presence of a Chase attorney. We have contacted that attorney and she has declined to make Ms. Burgos available to us. Nor has Larisa Shelabodova’s attorney agreed to make her available to us for an interview. Our investigation has uncovered information that Ms. Burgos was paid money by Larisa Shelabodova, and given the information disclosed by the government earlier today, it should, at the very least, be directed to disclose if it knows that the money deposited into Ms. Burgos’s account was supplied by Larisa Shelabodova (regardless of who the signatory on the account was), and to inquire of Ms. Shelabodova whether she caused these funds to be deposited into Ms. Burgos’s account.

*Third*, the government should be directed to advise the defense whether the email [larisaoleg@yahoo.com](mailto:larisaoleg@yahoo.com) was Ms. Shelabodova’s email address (Oleg was the name of Ms. Shelabodova’s late husband). Further, the government should be directed to inquire of Ms. Shelabodova whether she used that email in connection with bank-related activity including accounts relating to Yelena Galper and companies attributed by the government to Yelena Galper. In addition, the government should be ordered to produce the bank records (or if already produced, identify the locations in the bank records) that contain the email address, “larisaoleg@yahoo.com.”

Respectfully submitted,

/S/ Eric M. Creizman

Eric M. Creizman

Caroline J. Polisi

cc: Sarah Hall, Esq. (via ECF and email)  
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